

SENATE BILL 288

By Burchett

AN ACT to amend Tennessee Code Annotated, Title 2,
relative to partisan organizations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-5-105, is amended by deleting the language in its entirety and by substituting instead the following:

Political party and partisan organization nominees are qualified by certification of their names as nominees under chapter 8 of this title, §§ 2-13-101 — 2-13-205, or §§ 2-13-401— 2-13-404.

SECTION 2. Tennessee Code Annotated, Section 2-5-203, is amended by deleting the language in its entirety and by substituting instead the following:

Candidates who are not to be placed on ballots as nominees of a political party or of a partisan organization shall be known as “independent candidates.”

SECTION 3. Tennessee Code Annotated, Title 2, Chapter 13, is amended by adding the following language as a new part thereto:

§ 2-13-401.

Any organization that qualifies as a partisan organization pursuant to the provisions of this part may nominate candidates for partisan offices listed in § 2-13-202, partisan offices permitted by § 2-13-108, or for the office of president of the United States by convention or as otherwise authorized by the rules of the partisan organization. The names of such nominees shall be printed on the general election ballot in the same manner as political party candidates.

§ 2-13-402.

(a) An organization shall qualify as a partisan organization if:

(1) The organization files a petition signed by two thousand five hundred (2,500) persons registered to vote in this state with the office of the state election commission and files a certified duplicate with the coordinator of elections no later than twelve o'clock (12:00) noon on May 1 of any even-numbered year; and

(2) The petition is certified by the chair of the state election commission.

(b) The coordinator of elections shall prescribe a form for the petition. The form shall include a statement that that the voters signing the petition are petitioning for the organization to qualify as a partisan organization and for any nominee of such partisan organization to appear on the general election ballot. The petition shall also require the name, address, phone number, and signature of the organization's chair.

(1) Petitions shall be furnished only by the county election commission office and the coordinator of election's office. At the time of issuance of the petition, the administrator of elections, deputy, a county election commissioner, or employee of the coordinator of election's office shall type or handwrite in ink at the top of the cover page and each succeeding page of the form the name of the organization and shall sign and date the form. Additional pages to be attached to a nominating petition may be obtained at a later date; provided, that each additional page must also have the name of the organization typed or handwritten at the top by the administrator, deputy, election commissioner, or coordinator of election's office employee along with the chair's signature and the date.

(2) The items to be completed under subdivision (b)(1) may not be altered and a petition on which any of these items has been altered may not be accepted in the office in which it is required to be filed in this state. Neither shall

any original nominating petition be accepted on which any of the items required to be completed under subdivision (b)(1) have been photocopied.

(3) If a county election commission or the coordinator of election's office finds it necessary to photocopy the nominating petition, the commission or office shall indicate in the upper right hand corner of each page that the document was photocopied by the commission or office prior to distributing the form to an organization. Such information shall be typed, stamped or otherwise permanently affixed to the form.

(4) Nominating petitions shall not be issued by any administrator, deputy, county election commissioner or employee of the coordinator's office more than ninety (90) days before the qualifying deadline.

(c) The signer of a petition must include the address of the signer's residence as shown on the signer's voter registration card in order for that person's signature to be counted. In the event that the signer of a petition includes information on a nominating petition that exceeds the information contained on such person's voter registration card, the signature shall be counted if there is no conflict between the nominating petition and the voter registration card. If no street address is shown on the signer's voter registration card, that person's signature and address as shown on the voter registration card shall be sufficient. A street address shall be sufficient, and no apartment number shall be required. A person's regular signature shall be accepted just as the person's legal signature would be accepted. For example, for the purposes of this subsection (c), "Joe Public" shall be accepted just as "Joseph Q. Public" would be accepted.

(d) An organization seeking to qualify as a partisan organization shall include the procedures for nominating candidates in the organization's bylaws and shall submit a copy of the bylaws with the petition.

(e) If an organization does not file by the deadline specified in this section, the organization's petition does not contain the signatures and residential addresses of two thousand five hundred (2,500) registered voters, or the organization bylaws are not filed or do not comply with subsection (d), then the organization shall not qualify as a partisan organization.

§ 2-13-403.

A partisan organization shall maintain its status for a period of two (2) years from the date the organization is certified by the chair of the state election commission. After two (2) years, the organization loses the organization's status as a partisan organization and must seek to qualify again pursuant to the provisions of § 2-13-402; provided that, if a partisan organization's nominee for any office listed in § 2-13-202 at either of the two (2) preceding general elections receives one percent (1%) of the total vote cast for that office, then the partisan organization is not required to requalify. Such partisan organization shall be required to file a statement on a form prescribed by the coordinator of election's office by twelve o'clock (12:00) noon on May 1 of every even-numbered year. The statement shall include the name, address, phone number, and signature of the partisan organization's chair.

§ 2-13-404.

(a) A partisan organization must certify the names and addresses of its nominees for partisan municipal offices permitted to be partisan pursuant to § 2-13-208 no later than twelve o'clock (12:00) noon on May 1 of any election year, and its nominees for offices listed in § 2-13-202 and president of the United States no later than twelve o'clock (12:00) noon August 1 of any election year. Nominations shall be certified to the coordinator of elections for statewide offices and to the appropriate county election commission for other offices.

(b) Each nominated candidate shall file a declaration of candidacy with the office to which the candidate's nomination has been certified. Such declaration shall be filed by the same deadlines established by this section for nominations. The declaration shall state that the nominated candidate meets the constitutional qualifications for the office.

SECTION 4. The coordinator of elections is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.